

REMARKS

Applicant has currently amended claims 1, 5, 6, 10, 14, 25 and 38 for clarification purposes as discussed below. No new matter has been added. Applicant has canceled claims 8 and 12 without prejudice or disclaimer.

On page 3 of the Office Action, the amendment of October 10, 2007 was objected to on the grounds that “entirety of” the end caps being uncovered in the coating step was not literally supported by the original disclosure. Applicant has removed the term “entirety of” and added for clarification to the coating step in the claims “while maintaining the gap at a length to prevent the coating from contacting the electrically conductive pins of the end caps of the fluorescent light tubes.” Literal support for this amendment is found in paragraphs [0016] and [0026] of the specification. Applicant respectfully requests reconsideration and withdrawal of the objection.

On page 3 of the Office Action, claims 8 and 12 were rejected under 112, second paragraph. Applicants have canceled claims 8 and 12 without prejudice or disclaimer. Thus, the rejection is moot. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

On page 3 of the Office Action, claims 1-42 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement for the “entirety of the end caps being uncovered.” Applicant has amended the claims to delete reference to the “entirety” and accordingly request removal of the rejection.

On page 4 of the Office Action, claims 1-42 were rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Applicant respectfully disagrees with the rejection. However, the Examiner suggested that the end cap having the pins therein as well as the coating being applied to the end caps along with the gap spacing and travel rate of the light

tubes are critical or essential to the practice of the invention. Applicants have amended the claims as discussed above and believe that the current amendments address the concerns of the Examiner. The claim amendments are fully supported by the specification. For example, Paragraph [0009] of the specification states that “[t]he end caps include electrically conductive pins” and that “the desirable choice is to coat the light tubes with an extruder in such a manner as to ensure complete application of the coating material while eliminating the need to protect the pins during the coating process.” Paragraph [0010] states that “the end caps of the light tubes are heated.” Paragraph [0010] also states that “[g]aps are formed between each sequentially fed light tube and these gaps are also coated as the sequential light tubes are fed continuously through the extruder.” Paragraph [0014] states that “[e]lectrically conductive pins 9 extend from at least one end cap 11.” Paragraph [0024] states that “[t]he sequential feeding of light tubes 15 and the longitudinal alignment thereof creates gaps 17 between each of the light tubes 15...The gaps 17 are also coated as the sequential light tubes 15 are fed....” Paragraph [0026] states that “[t]he gaps 17 between the sequential light tubes 15 are maintained at a desired length to ensure that each light tube 15 is coated without interference from a preceding or succeeding light tube 15 and to prevent the coating from contacting the pins 9 of the end caps 11 of the light tube 15.” These are just a few of the examples of the support in the specification for the present claims. The Examiner state that it is confusing as to Paragraph [0024] that the gap is coated and has to be sheared thereafter and would this not coat the pins. Applicant submits that the pins would not be coated as the end caps of the light tubes are heated prior to coating the tubes such that the coating adheres to the end cap upon coating and the sequential feeding of light tubes and the longitudinal alignment thereof creates gaps that are coated as the sequential light tubes are fed but the pins remain uncoated due to maintaining the gaps at a desired length between the tubes and at a

consistent travel rate as explained in Paragraph [0022] so as to prevent the coating from contacting the pins of the end caps of the light tube as explained in Paragraph [0026]. To further clarify, as the coated light tubes and gaps are cooled, the exit conveyor system impels the chain to a cutting station and a shearing system severs the coating encircling the gaps between the light tubes, thus separating individual light tubes from the chain. Applicant contends that the presently claimed invention is amply supported by and consistent with the specification.

The Examiner noted on page 12 of the Office Action that if Applicant were to amend the claims as detailed in the 25 U.S.C. 112 rejection above, the Examiner would reconsider his position. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection.

With respect to the rejections under 35 U.S.C. 103(a) maintained on pages 5-11 of the Office Action, Applicant reiterates its prior arguments with respect to the non-obvious differences between the cited references and its invention as set forth in its prior responses. Applicant, however, once again contends that Dupont '705 teaches the importance of always covering the end caps during coating. Dupont '705 teaches that the end caps, called ferrules in the Dupont disclosure, should first be covered, prior to the coating step, by a plastic end cap or a length of silicone tubing, secured to the end caps/ferrules either by an initial application of an adhesive to the end caps or an initial pre-coating immersion of the end caps into powdered ethylene vinyl acetate. See paragraphs, [0005], [0007], and [0021] in Dupont '705. Although Dupont '705 describes differing embodiments and alternatives, every disclosed embodiment and alternative provides for some initial application to each end cap of adhesive or pre-coating followed by a protective plastic cap or sleeve, after which the coating of the lamp applies the protective polymeric coating over such cap or sleeve.

Thus, Dupont '705 fails altogether to teach or suggest the concept of leaving the end caps uncovered during the coating process for "direct" contact of the coating not only with the main light body but also with the end caps "without any other element [e.g., adhesive, pre-coating, protective cap or sleeve] physically intervening the coating and the end caps." Clearly, Dupont '705 not only fails to teach or suggest the present invention, Dupont '705 clearly teaches to the contrary of the present invention, i.e., Dupont teaches away from the present invention. As such, the present invention is clearly not anticipated nor rendered obvious by Dupont.

Therefore, the Examiner relies upon Dupont '705 in combination with either Nolan '886 and Nolan '332.

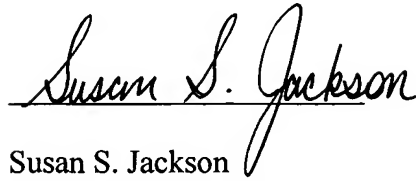
Applicant further submits that each of Nolan '886 and Nolan '332 also teach away from the present invention. In fact, both Nolan references specifically teach away from having the end caps uncovered. Nolan '332 specifically teaches masking the electrical connecting pins and all of the end caps except for a predetermined portion thereof, applying a coating of powder to the glass envelope and the predetermined portion of the end caps, melting and fusing the powder on the end caps to form the applied powder into a subsequently uniform thick coating of polymeric material, and subsequently unmasking the electrical connecting pins and end caps (col. 2, lines 47-68 and col. 3, lines 1-3). In this method of powder application as set forth in Nolan '332, it is essential that there are masked portions of the end caps and that only the unmasked portions of the end caps are exposed to the fluidized bed of polymeric powder. It is also essential that a coating of powder from the fluidized bed is applied to the glass envelope and the predetermined portions of the end caps that are not covered by the masking members.

There are other aspects of Nolan '332 that teach away from the present invention. For example, Nolan '332 teaches heating the light tube above the melt temperature of the polymeric

material to melt and fuse the powder onto the glass envelope and the unmasked portions on the end caps to form the coating on the light tube. Applicant points out that heating the entire light tube is disadvantageous because it risks loosening the adhesive attaching the end caps to the glass envelope, thus compromising the integrity of the light tube. As set forth in paragraph [0008] of the present invention, this distinction is significant in that in the present invention the coating and the endcaps form a sealed sheath around the glass envelope. This adherence of the thermo-plastic material to the endcaps, instead of to the glass envelope, ensures the containment of any glass shards within the sealed sheath if the light tube is broken. Nolan '886 specifically follows the teachings of Nolan '332 with respect to the method of masking of a portion of the end caps. Nolan '886 specifically incorporates by reference Nolan '332. Nolan '886 states that its method is in accordance with the fluorescent lamp coating method or process disclosed in Nolan '332 such that the entire fluorescent lamp except for the portions of the end caps and connecting pins which are masked off as taught in Nolan '332 are coated with an integrally formed coating formed in accordance with Nolan '332. In view of the foregoing, it is respectfully urged that Applicant's Amendment be entered. Applicant submits that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

No fees are believed to be due in connection with the filing of this Response to Notice of Non-Compliant Amendment. In the event that the Office determines that fees are due, the Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 18-1215.

Respectfully submitted,

A handwritten signature in black ink, reading "Susan S. Jackson". The signature is written in a cursive style with a horizontal line underneath the name.

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